

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION

MICHAEL THOMPSON

PLAINTIFF

V.

CIVIL ACTION NO. 3:14cv274-NBB-SAA

CALVIN HAMP, in his individual capacity;  
JAMES JONES, in his individual capacity;  
and UNKNOWN DEFENDANTS  
“A”, “B” AND “C”

DEFENDANTS

**DEFENDANT JAMES JONES' and DEFENDANT CALVIN HAMP'S  
SIXTH MOTION IN LIMINE TO EXCLUDE ENTRAPMENT ARGUMENTS**

COMES NOW, Defendants, and each of them, in the above referenced cause and files this Sixth Motion In Limine to exclude suggestions of entrapment, to wit;

- 1) It is anticipated that the Plaintiff will claim that he was “entrapped” by the police, and that somehow his rights were violated as a result of some form of “entrapment”. However, “entrapment” cannot form the basis of a civil constitutional claim.
- 2) The Fifth Circuit Court of Appeals has established that entrapment is not a constitutional violation in a civil context. *Stokes v. Gann*, 498 F.3d 483, 484, 2007 U.S. App. LEXIS 20735, 2-6 (5th Cir. Miss. 2007). In *Stokes*, a hunter charged with head lighting deer alleged that he had been pressured and assisted in doing do so by an employee of the Mississippi Department of Wildlife, Fisheries, and Parks. Id. at 484. The Court noted the Supreme Court’s decision in *United State v. Russell*, in which entrapment by government officials violated no independent constitutional right of the Defendant. 411 U.S. 423, 440 (1973). The entrapment defense is derived from statutory grounds, not constitutional grounds.(See *Sorrells v. United States*, 287 U.S. 435, 446-49 (1932), and see *Hampton v. United States*, 425 U.S. 484, 488-89 (1976)).

- 3) The Defendants request that the Plaintiff, Plaintiff's counsel, and all witness be excluded from claiming that the Defendants "entrapped" him, as this matter incorrectly states the law, and is therefore excluded under FRE 402, 403 and 701. Such testimony would be irrelevant, confusing to the jurors, prejudicial to the Defendant, and improper opinion testimony.

**WHEREFORE PREMISES CONSIDERED** For the foregoing reasons, the Defendant, moves this Court to order that the Plaintiff, Plaintiff's counsel and any witnesses be ordered not to testify that the Plaintiff was entrapped or imply entrapment by the Defendants.

RESPECTFULLY SUBMITTED, this the 13 day of March, 2017.

**CALVIN HAMP AND  
JAMES JONES, DEFENDANTS**

By: /s/ Michael J. Wolf  
Michael J. Wolf

OF COUNSEL:

MICHAEL J. WOLF – MSB # 99406  
PAGE, KRUGER & HOLLAND, P.A.  
P.O. Box 1163  
Jackson, Mississippi 39215-1163  
T: 601-420-0333  
F: 601-420-0033  
Email: [mwolf@pagekruger.com](mailto:mwolf@pagekruger.com)

**CERTIFICATE OF SERVICE**

I, the undersigned attorney for Defendant, do hereby certify that I have this day filed and caused to be sent to all counsel of record, a true and correct copy of the foregoing document via the

ECF system.

This the 13th day of March, 2017.

/s/ Michael J. Wolf

Michael J. Wolf